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Zmodo Technology Corporation Limited
Additional counsel on signature page

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EYETALK365, LLC,

Plaintiff,

v.

ZMODO TECHNOLOGY CORPORATION
LIMITED,

Defendant.

Case No. 3:17-cv-00686-RCJ-PAL

and related case

EYETALK365, LLC,

Plaintiff,

v.

ZMODO TECHNOLOGY CORPORATION
LIMITED,

Defendant.

Case No. 2:17-cv-02714-RCJ-PAL

**DEFENDANT ZMODO TECHNOLOGY
CORPORATION LIMITED'S MOTION
TO EXTEND TIME TO FILE
RESPONSE TO PLAINTIFF'S MOTION
TO DISQUALIFY**

(FIRST REQUEST)

1 Defendant Zmodo Technology Corporation Limited (“Zmodo”), pursuant to LR IA 6-1,
2 hereby requests a two-day extension to file its Response to Plaintiff’s Motion to Disqualify filed
3 on July 25, 2018 (ECF No. 67 in Case No. 3:17-cv-00686-RCJ-PAL; ECF No. 159 in Case No.
4 2:17-cv-02714-RCJ-PAL) – moving the deadline for Zmodo’s Response from August 8, 2018 to
5 August 10, 2018. This is Zmodo’s first request for an extension of time to file its Response.

6 Plaintiff’s Motion to Disqualify raises various allegations against Zmodo’s counsel
7 Kasowitz Benson Torres LLP (“Kasowitz”) regarding purported disqualifying conflict of interest,
8 to which Kasowitz’s attorneys, including the firm’s senior attorneys, require additional time to
9 review thoroughly based on the information known to date, and to respond accordingly. Given
10 the seriousness and implications of Plaintiff’s Motion to Disqualify, Zmodo would be severely
11 prejudiced if its counsel is not afforded the requested time extension. On the other hand, a short
12 two-day extension does not harm or prejudice Plaintiff and, in fact, Zmodo would agree to a similar
13 time extension for Plaintiff’s Reply brief should Plaintiff need additional time. This short time
14 extension will not impact the hearing on the Motion to Disqualify currently set for August 28,
15 2018.

16 Further, as set forth in the attached Declaration of Jack Shaw, Esq., Zmodo made efforts to
17 secure a time extension for Zmodo’s Response, but Plaintiff’s counsel did not respond to voice
18 messages or emails as of the time of filing the instant motion to extend time.

19 Based on the foregoing, good cause exists to extend the deadline for Zmodo to submit its
20 Response to Plaintiff’s Motion to Disqualify from August 8, 2018 to August 10, 2018.

21 Dated: August 7, 2018.

22 EVANS FEARS & SCHUTTERT LLP

23 By: /s/ Chad R. Fears
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Attorneys for Defendant
Zmodo Technology Corporation Limited

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE/
UNITED STATES MAGISTRATE JUDGE

DATED: August 14, 2018

1 **DECLARATION OF JACK SHAW, ESQ. IN SUPPORT OF DEFENDANT ZMOD**
2 **TECHNOLOGY CORPORATION LIMITED'S MOTION TO EXTEND TIME TO FILE**
3 **RESPONSE TO PLAINTIFF'S MOTION TO DISQUALIFY**

4 Jack Shaw, Esq., declares as follows:

5 1. I am an attorney with the law firm of Kasowitz Benson Torres LLP ("Kasowitz").
6 I am admitted *pro hac vice* in the above-captioned cases and counsel of record for Zmodo
7 Technology Corporation Limited ("Zmodo").

8 2. I have personal knowledge of the matters set forth in this declaration, and if called
9 upon as a witness, I could competently testify to them.

10 3. After receiving Plaintiff's Motion to Disqualify, my colleagues from Kasowitz and
11 I initially contacted Plaintiff's counsel about extending the deadline for Zmodo's response to allow
12 Zmodo to conduct discovery regarding the alleged conflict of interest. The time extension
13 requested by Zmodo at that time was for thirty days for Zmodo to respond to Plaintiff's Motion to
14 Disqualify. However, Plaintiff's counsel refused to accommodate Zmodo in this regard.

15 4. On August 7, 2018, I left two voice messages for Plaintiff's counsel regarding a
16 two-day extension for Zmodo to file its Response to Plaintiff's Motion to Disqualify. I also
17 subsequently emailed twice Plaintiff's counsel regarding Zmodo's request for the two-day
18 extension. But, Plaintiff's counsel did not respond to voice messages or emails as of the time of
19 filing the instant motion to extend.

20 5. Plaintiff's Motion to Disqualify raises various allegations against Zmodo's counsel
21 (Kasowitz) regarding purported disqualifying conflict of interest, to which Kasowitz's attorneys,
22 including the firm's senior attorneys, require additional time to review thoroughly based on the
23 information known to date, and to respond accordingly.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed this 7th day of August, 2018.

26 /s/ Jack Shaw
27 _____
 Jack Shaw

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served on counsel of record this 7th day of August, 2018, using the Court's CM/ECF system.

/s/ Faith Radford
An Employee of Evans Fears & Schuttart LLP